REMARKS

Claims 1-48, 54, 61-63, and 65 have been previously cancelled. The claims remaining in the application are 49-51, 53, 55-60, 64, and 66-87.

Rejection Under 35 U.S.C. § 103

The Office Action has rejected claims 49-51, 53, 55-60, 64, and 66-87 as being unpatentable over Akiyama et al. (U.S. Patent No. 5,805,699) over Hoffert et al. (U.S. Patent No. 5,983,176) in view of Huseman et al. (U.S. Patent No. 6,192,349). This rejection is respectfully traversed.

The Office Action has rejected claims 53, 55, 57, 58, 60, and 64 under 35 U.S.C. 103(a) as not being patentably distinct from claim 49, and are rejected for the same reasons. This rejection is respectfully traversed.

The record does not show that the Supplemental Amendment, filed November 18, 2008, was entered. Additional comments, therefore, from the Supplemental Amendment are entered below.

> Applicant gratefully acknowledges the interview granted to applicant's attorney, Norman Rushefsky, on October 23, 2008. At the interview the previous amendment submitted after final rejection was discussed including discussion of the references cited in the final rejection; i.e. Akiyama et al. and Cooper et al. At the interview, and as more fully described below, applicant's attorney pointed out that both of these prior art references do not relate to the type of system and methods described by applicant in that both teach methods of controlling use of data already in the possession of the recipient. In accordance with such prior art systems there is a need to disseminate a substantial amount of information to recipients before they even select which information they presently require. As noted in the discussion in applicant's specification this is one of the problems which applicant' s invention overcomes. The Examiner appeared to express agreement with this line of argumentation by applicant's attorney.

In the course of discussion of various claims at the interview the Examiner expressed concern relative to language in the claims that could be improved by more positive recitation of steps in the claims so that such features could be given patentable weight to help define patentably over the prior art. In this regard, several points were raised by the Examiner concerning claim language which could be improved upon. The Examiner requested at the interview that his supervisor, Mr. Calvin Hewitt, also be consulted. The invention and a brief discussion of the prior art references were provided by applicant's attorney to Mr. Hewitt and review was made of a sample claim. Mr. Hewitt provided some helpful suggestions for improving claim language to more positively recite method steps. Applicant's attorney has endeavored to incorporate the suggestions of Examiners Winter and Hewitt. In this regard the prior claimed recitation of (see claim 49) "providing a copy of the bundle..." is now amended to recite "transmitting a copy of the bundle..." to more precisely define a delivery step. Also with regard to claim 49 there is more positive recitation that the bundle identification information is associated with the bundle and the Examiner will note that this information includes a bundle store identifier (see last few paragraphs of the claim). Even if in the prior art of Akiyama et al. and Cooper et al. some signal might be said to be interpreted as a token there would certainly not be a need for the token to provide a bundle store identifier since the recipient already is in possession of the data for which permission is needed to open. With regard to claim 55 (last paragraph) and others possessing the term "if" amendment has been made, pursuant to the Examiner's request to remove this conditional term and substitute therefore a more positive term.

Additional comments related to Akiyama et al. contained in the November 18, 2008 Supplemental Amendment are provided below.

Akiyama et al. discloses a software copying system which enables copyrighted software recorded in a master storage medium to be copied to a user's target storage medium in a legitimate manner. The master storage medium stores encrypted data. A contents identifier reading means reads

out a software identifier of a particular copyrighted work stored in the master storage medium. A target storage medium is to be the ultimate recipient of the data encrypted in the master storage medium. A target storage medium identifier reading means reads out a storage medium identifier from the target storage medium. The information read out is communicated to a central site for generating a signature. Upon generation of an appropriate signature a data copying means is enabled to output the particular copyrighted work from the master storage medium to the target storage medium. The Examiner's attention is particularly directed to the fact that in all embodiments of Akiyama et al. the master storage medium is a data storage device that is in possession of the recipient. Thus, there is no need and thus no suggestion in Akiyama et al. to generate a bundle store identifier in addition to the bundle identifier because the bundle store is already in the possession of the recipient. Thus, Akiyama et al. also fails to suggest a method of providing a token to a recipient not yet possessing the file or files as is claimed in claim 49 and indeed in all claims now in the application. As noted in the applicant's specification the invention provides for methods and systems for sharing data. Akiyama et al contrarily is directed to methods and systems authenticating the right of a recipient to view data that is already in the recipient's possession. The advantage of applicant's method and apparatus is that no prior data storage device needs to be handed over to the recipient. Anyone receiving the token in accordance with applicant's method and apparatus can at the token recipient' s convenience communicate with the sharer a desire to receive a particular file or files identified by a bundle store identifier and a bundle identifier.

The Examiner states that Akiyama et al. discloses storing a bundle "in a location accessible by a bundle server". Akiyama et al. does not teach storing the bundle in a location accessible by a bundler server. Akiyama et al. discloses a client computer, having access to a bundle (Akiyama medium 1). The central site server does not have access to storage medium 1 on the client computer. The central server may have created medium 1 or have access to the

original files used to create medium 1, but that would be equivalent to the claimed "selection of data" from which the bundle contents were created.

The Examiner states that Akiyama et al. discloses "receiving a request for the bundle from the recipient". Akiyama et al. does not teach the bundle server (Akiyama central server) receiving a request for the bundle from the token recipient (Akiyama client computer). Rather, Akiyama teaches the central server receiving a license request which results in the return of a signature authorizing the copying of data from the medium 1 to the client computer storage medium 3. No transfer of the file or files to be shared from the central site to the client site occurs.

The Examiner states that Hoffert et al. discloses creating "a token representing the bundle". Hoffert et al., however, teaches creating an index of directly accessible files referenced by existing HTML pages from known URLs. Hoffert's indexed collection of files is not a bundle as prescribed in the present invention. Rather, Hoffert et al. creates a collection of individually accessible content files by crawling through URLs. In the present invention, the bundle server creates a homogeneous bundle of content and identifies it uniquely. Content of the bundle is not directly accessible. Rather, only the bundle is directly accessible and only through the bundle server by providing the bundle identifier.

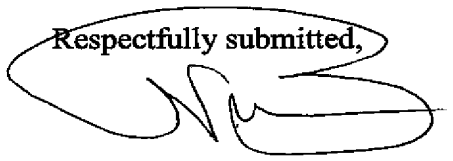
CONCLUSION

Dependent claims not specifically addressed add additional limitations to the independent claims, which have been distinguished from the prior art and are therefore also patentable.

In conclusion, none of the prior art cited by the Office Action discloses the limitations of the claims of the present invention, either individually or in combination. Therefore, it is believed that the claims are allowable.

If the Examiner is of the opinion that additional modifications to the claims are necessary to place the application in condition for allowance, he is invited to contact Applicant's attorney at the number listed below for a telephone interview and Examiner's amendment.

Respectfully submitted,



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